

# HOUSE JOURNAL

## OF THE

# IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTY-FIRST LEGISLATURE

**FIFTEENTH LEGISLATIVE DAY  
MONDAY, JANUARY 23, 2012**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent and excused – Nielsen, Nonini. Total – 2.  
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Ian Richter, Page.

### Approval of Journal

January 23, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twelfth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

### Consideration of Messages from the Governor and the Senate

THE OFFICE OF THE GOVERNOR  
EXECUTIVE DEPARTMENT  
BOISE, IDAHO

### CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents that Marv Hagedorn, State Representative, District 20, House Seat B, Ada County, State of Idaho, pursuant to the provisions of Section 59-917, Idaho Code, has nominated David M. Tucker of Meridian, Idaho, to perform the duties of this office temporarily as Acting State Representative.

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by virtue of the authority vested in me by Section 59-917, Idaho Code, do hereby appoint David M. Tucker, Acting State Representative, District 20, House Seat B, Ada County, State of Idaho, for a term commencing on January 23, 2012, and continuing until the incumbent shall resume the performance of the duties or a vacancy occurs in such office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this 17th day of January, in the year of our Lord two thousand and twelve and of the

Independence of the United States of America, the two hundred and thirty-sixth year.

/s/ C.L. "BUTCH" OTTER  
Governor

/s/ BEN T. YSURSA  
Secretary of State

The Certificate of Appointment was ordered filed in the office of the Chief Clerk.

The Speaker announced the oath of office had previously been administered to David M. Tucker.

### Report of Standing Committees

January 23, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HJM 4](#), [H 393](#), [H 394](#), [H 395](#), [H 396](#), [H 397](#), [H 398](#), [H 399](#), [H 400](#), [H 401](#), [H 402](#), and [H 403](#).

WILLS, Chairman

[HJM 4](#), [H 402](#), and [H 403](#) were referred to the Judiciary, Rules, and Administration Committee.

[H 393](#) and [H 394](#) were referred to the Education Committee.

[H 396](#), [H 397](#), [H 398](#), [H 399](#), [H 400](#), and [H 401](#) were referred to the Resources and Conservation Committee.

[H 395](#) was filed for second reading.

January 23, 2012

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 363](#), [H 364](#), and [H 365](#) and recommend that they do pass.

LAKE, Chairman

[H 363](#), [H 364](#), and [H 365](#) were filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

### Introduction, First Reading, and Reference of Bills and Joint Resolutions

### HOUSE BILL NO. 405 BY HEALTH AND WELFARE COMMITTEE

#### AN ACT

RELATING TO ELECTRONIC CIGARETTES; AMENDING SECTION 39-5702, IDAHO CODE, TO DEFINE A TERM, TO REVISE DEFINITIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-5703, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO THE POSSESSION, DISTRIBUTION OR USE OF ELECTRONIC CIGARETTES BY MINORS; AMENDING SECTION 39-5705, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO THE SALE OR DISTRIBUTION OF ELECTRONIC CIGARETTES TO MINORS; AMENDING SECTION 39-5706, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO VENDOR ASSISTED SALES OF ELECTRONIC CIGARETTES, TO PROVIDE THAT AFTER A CERTAIN DATE, IT SHALL BE UNLAWFUL TO SELL OR DISTRIBUTE ELECTRONIC CIGARETTES FROM A VENDING MACHINE, TO PROVIDE THAT IT SHALL BE UNLAWFUL TO SELL

OR DISTRIBUTE ELECTRONIC CIGARETTES FROM SELF-SERVICE DISPLAYS AND TO REMOVE OBSOLETE LANGUAGE; AMENDING SECTION 39-5708, IDAHO CODE, TO PROVIDE A CIVIL PENALTY FOR CERTAIN VIOLATIONS RELATING TO ELECTRONIC CIGARETTES; AMENDING SECTION 39-5710, IDAHO CODE, TO ESTABLISH ADDITIONAL PROVISIONS RELATING TO THE CONDUCT OF ENFORCEMENT ACTIONS; AMENDING SECTION 39-5713, IDAHO CODE, TO PROVIDE THAT LOCAL UNITS OF GOVERNMENT SHALL NOT HAVE THE POWER TO REQUIRE A PERMIT OR LICENSE FOR THE SALE OR DISTRIBUTION OF ELECTRONIC CIGARETTES; AMENDING SECTION 39-5714, IDAHO CODE, TO PROVIDE THAT NO SELLER SHALL MAKE A DELIVERY SALE OF ELECTRONIC CIGARETTES TO ANY MINOR IN THIS STATE; AMENDING SECTION 39-5715, IDAHO CODE, TO PROVIDE CERTAIN AGE VERIFICATION REQUIREMENTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-5717, IDAHO CODE, TO REVISE A SHORT TITLE AND TO PROVIDE A CORRECT CODE REFERENCE; AND AMENDING CHAPTER 57, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-5717A, IDAHO CODE, TO PROVIDE SHIPPING REQUIREMENTS FOR ELECTRONIC CIGARETTES.

**HOUSE BILL NO. 406  
BY EDUCATION COMMITTEE  
AN ACT**

RELATING TO EDUCATION; AMENDING SECTION 33-1209, IDAHO CODE, TO REVISE PROVISIONS RELATING TO INVESTIGATIONS BY THE PROFESSIONAL STANDARDS COMMISSION, TO REVISE PROVISIONS RELATING TO A SIGNED ALLEGATION, TO REVISE PROVISIONS RELATING TO NOTICE, TO REVISE PROVISIONS RELATING TO SERVICE, TO REVISE PROVISIONS RELATING TO A REQUEST FOR HEARING, TO REVISE PROVISIONS RELATING TO FINDINGS OF FACT AND A DECISION, AND TO PROVIDE FOR NOTICE OF CERTAIN FINAL DECISIONS; AND AMENDING SECTION 33-1210, IDAHO CODE, TO REVISE PROVISIONS RELATING TO AN APPLICANT STATEMENT, TO PROVIDE A DEFINITION, TO REVISE PROVISIONS RELATING TO INFORMATION REQUESTED BY A HIRING DISTRICT FROM THE SUPERINTENDENT OF PUBLIC INSTRUCTION, TO REVISE PROVISIONS RELATING TO EMPLOYMENT OF APPLICANTS ON A CONDITIONAL BASIS, TO ELIMINATE A REFERENCE TO COLLECTIVE BARGAINING AGREEMENTS AND INDIVIDUAL EMPLOYMENT CONTRACTS AND TO REVISE PROVISIONS RELATING TO THE EXPUNGEMENT OF CERTAIN INFORMATION.

**H 405** and **H 406** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Eleventh Order of Business.

**Third Reading of Bills and Joint Resolutions**

Mr. Moyle asked unanimous consent that **H 361** retain its place on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

**H 356 - PROPERTY TAX**

**H 356** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Collins to open debate.

The question being, "Shall **H 356** pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn(Tucker), Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Nielsen, Nonini. Total – 2.

Total – 70.

Whereupon the Speaker declared that **H 356** passed the House. Title was approved and the bill ordered transmitted to the Senate.

**H 357 - PROPERTY TAX**

**H 357** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Rusche to open debate.

The question being, "Shall **H 357** pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn(Tucker), Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Nielsen, Nonini. Total – 2.

Total – 70.

Whereupon the Speaker declared that **H 357** passed the House. Title was approved and the bill ordered transmitted to the Senate.

**H 358 - PROPERTY TAX**

**H 358** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Raybould to open debate.

The question being, "Shall [H 358](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn(Tucker), Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Nielsen, Nonini. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 358](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

### [H 360](#) - TAX COMMISSION

[H 360](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Roberts to open debate.

The question being, "Shall [H 360](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn(Tucker), Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Nielsen, Nonini. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 360](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

### [H 362](#) - TAXES

[H 362](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Barbieri to open debate.

The question being, "Shall [H 362](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Barbieri, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn(Tucker), Hartgen, Harwood, Henderson, Higgins,

Jaquet, Killen, King, Lacey, Lake, McGeachin, Moyle, Nessel, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 60.

NAYS – Andrus, Barrett, Hart, Loertscher, Luker, Marriott, McMillan, Shepherd. Total – 8.

Absent and excused – Nielsen, Nonini. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 362](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

### Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Tuesday, January 24, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:30 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk